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### **Year 2000, Why An Electoral College?**

It is the year 2000, election year. I am a twenty-year-old college student with an interest in this particular election, being that it is my first presidential to vote in. The current election of party nominees is one that is making history. John McCain, a senator from Arizona and George Bush Jr, governor of Texas are the two main sides of the republican ticket. Polls all over the U.S. show Senator McCain as the leader in an overall opinion of the choice of nominee for the Republican Party, but in the actual party primary, where only republicans vote, Gov. Bush is the leader, due to the views of members of the party itself. The overall opinion is for one candidate, but because of a governmental system, the other candidate gets the nomination. This introduction isn't the backing for this proposal, but this incident brought an issue to light for myself. An issue that has been debated almost since its adoption to the constitution.

The process of electing the United States Commander in Chief is one that is multifaceted and, in this day and age, antiquated. In drafting the presidential selection procedure set out in Article 2 of the Constitution, the Framers reached compromises in applying the concepts of democracy and federalism. Democracy being government based on direct voice of the people and Federalism is government where elected officials make

the decisions regarding government. The electoral college was based on the premise of selection by a few. Its architects rejected the notion of popular sovereignty.

If the electoral college were to deadlock, however, the election would go to the House of Representatives. Where in, the individuals that were elected directly by the people would decide the outcome, as opposed to the electoral college, where state authorities and conventions chose the electors with no reference to popular majority preference. And state sovereignty would cast one vote, regardless of size. There in lies the primary problem with the electoral college (Glennon 9). The electors are not chosen by the people, as some believe. The electing of a president is an act that is considered one of the most important acts a US citizen can participate in. With the weight of this action, it is hard to believe that the electors of the state are chosen by means of political party conventions and central committees, a far cry from the “people’s choice”. Each party holds a convention where the official state members appoint the electors by a majority vote. A similar process is employed in the states where committees are held to decide the electors.

The original intent of the electoral college was to be the “intellectual and educated” voice of the people, expressing their will. The drafting of the twelfth amendment, where in the process was enacted, took place at the Constitutional Convention in Philadelphia. The system was the brainchild of Alexander Hamilton. Many delegates of the Constitutional Convention favored popular election of the president. Many others, however, had serious doubts about the capacity of the people to choose a chief executive wisely in a direct election (Glennon 7). William Blackstone, whose 1765 *Commentaries* strongly impressed the Framers, wrote that “history and observation will

inform us that elections of every kind (in the present state of human nature) are too frequently brought about by influence, partiality, and artifice.”(Glennon 7)

Eldridge Gerry feared the “ignorance of the people,” arguing that they were “too little informed of personal characters in large districts, and liable of deceptions” to act directly.

George Mason believed it “as unnatural to refer the choice of a proper character for chief Magistrate to the people, as it would, to refer a trial of colors to a blind man” (Glennon 7). This bold statement is a clear indicator that the Framers tended to the electoral process because the general populace as whole was generally uneducated in political matters and issues concerning the candidates for the highest office in the land.

Many years after the Convention, Professor Lucas Wilmerding asserted that “the mode adopted was considered by the Founding Fathers an equivalent to an election by the people”. He also observed that the electors “were never meant to choose the President but only to pronounce the votes of the people”(Glennon 9). If the Framers evinced any intent, however, it was to the contrary. In 1826, a Senate committee report concluded that the electors “have not answered the design of their institution. They are not the independent body they were intended to be” (Glennon 8). This evaluation is clear sign that even 170 years ago there were problems with the system. Of course there is not a flawless system, but this one was designed to be the best to directly represent the people and it has not shown this objective.

Proponents for the electoral college as well as those for direct voting were all well educated and aristocratic, as were the times, but today the U.S. is a very different place. In the age of light speed communication, mass media exposure, and political coverage in

every television news show. Because of this, the general public is knowledgeable, fairly interested, and has strong to moderate views on political issues.

Of course ignorance is still a problem, but as compared to the lack of information and its availability 240 years ago, the amount and level of ignorance is exponentially smaller. This change in attitude and education level allows the citizens of the U.S. to make much more educated and thought out decisions regarding their choice of president as opposed to a decision over two centuries ago. If the American people are so corruptible and ignorant, then why do the people directly elect senators and representatives? These men and women create and ratify laws and Amendments, which is quite a large amount responsibility.

A reasonable proposal to the solution of how the president should be elected is to abolish the electoral system all together. Most government officials will argue harshly that this is an absurd solution. The main reason is that the senators' and representatives' parties help put the electors in the position to elect the president. The second reason, which is the strongest argument against abolition, is that corruption could become a large problem with the direct election process. People who hold high positions in labor unions and other civil leaders with clout could use forcible means to push a particular candidate much more directly than the electoral method. If an amendment would be ratified to toss out the electoral college measures, would of course, need to be taken and would logically be done so to lessen the threat of ballot stuffing. The benefit of having a national leader elected by the actual American people would far outweigh the small amount of corruption that could possibly take place. An alternative proposal would be to have direct

elections of electors. The solution, though, would just another speed bump in the democratic process.

If the whole reason to have electors is so intellectual and political superiors will be appointed by “educated” officials than this would be unnecessary and redundant.

The United States has outgrown the antiquated system of the electoral college. Another very important reason why with the electoral system should be dissolved is that when a popular vote majority is reached, the percentage of electoral votes does not always equal, or sometimes come close to a majority, thus weakening the rebuttal that the electorate is “voice of the people”. A close majority of both popular and electoral votes is needed so that the choice of the leader of a country that was intended to be governed “by the people”, is one of a strong decision, and not a technicality. This can happen when a vote is not decided with the minimum majority needed by the electorate. In this instance the vote would go to the House of Representatives and be decided.

The election of 1876 is an example of what happens when the validity of the votes cast by the electorates are questioned. An electoral commission, established by Congress with the requirement that both the House and the Senate approve each commission, decided the controversy.

Two major-party candidates ran for president in 1876: Samuel Tilden, a Democrat, and Rutherford B. Hayes, a Republican. Tilden, the governor of New York, won 50.9 percent of the popular vote to Hayes 47.9 percent. In the electoral college, however, the difference was much smaller. At the time, a candidate needed 185 votes to win a majority in the electoral college. Republican Hayes received the required number,

but the Democrats challenged one of his electoral votes, leaving him with only 184. Republicans challenged nineteen of Tilden's electoral votes in three states.

Leaving Tilden with 165. This was not the first time that votes in the electoral college had been challenged. Massachusetts's had been challenged in 1809, Indiana's in 1817, and Missouri's in 1820. But in each instance, Congress rejected the challenge. Thus, state officials established the precedent that Congress would not inquire into the certification of the validity of electoral votes (Longley and Peirce) 141. These examples show clearly that severe disputes can and have resulted in the electoral college.

The Constitution, now and as then, is silent on the procedures for determining the validity of electoral votes, and after the 1876 election the Republican-controlled House was unable to agree upon a compromise procedure with the Democratic-controlled Senate. Instead, the two houses agreed to set up an electoral commission. The commission was comprised of senators, representatives, and justices of the Supreme Court. The outcome of the commission, due to political affiliations and a Supreme Court justice being disqualified and replaced with an independent one, was that Hayes was elected president by only one electoral, after previously losing the popular vote.

The abolishment of the U.S. electoral college in the electing of the president would be the most effective solution to a system that has been outgrown by modern education, technology, and media means to both young and older Americans. The ability of the citizens of the United States to directly elect their president would result in higher voter turn-out because the statement "every vote counts" would be true, resulting in a more active interest in the presidential election from a much larger population. The act of direct popular vote would finally resolve the disputes between when an election is fair in

its majorities of popular and electoral votes. There would no longer be an electoral college

### **Works Cited**

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